



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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January 30, 2019

Carol Wiseman
Weyerhaeuser NR Company
220 Occidental Avenue South
Seattle, WA 98104

Re: Weyerhaeuser NR Company's Comments on Agreed Order for Interim Action at the Port of Everett's Berth 1 located at the Weyerhaeuser Mill A Former Site

Dear Ms. Wiseman:

The Washington State Department of Ecology (Ecology) has received and reviewed your January 17, 2019, comments on the Draft Agreed Order for interim action at the Port of Everett's (Port) Berth 1 located at the Weyerhaeuser Mill A Former Site (Site). Responses to your comments are provided below.

Page 1, Paragraph 2: Weyerhaeuser comment. *The Port has specifically told Weyerhaeuser that this second interim action dredge is "to accommodate larger customer ships arriving in 2020."¹ While another partial, development-driven dredge may assist the Port in servicing its customers, this interim action is not necessary for Site investigation or cleanup.*

Ecology Response: The Site encompasses the Port's South and Pacific Terminals. The dredging of sediments during the anticipated interim action will provide a partial cleanup in these terminals at the Site. See WAC 173-340-430(2). These terminals are currently used by the Port for operations supporting marine-based container and break bulk cargo handling, storage and shipping. Cleanups performed under the Model Toxics Control Act (MTCA) must account for and be consistent with current and future land use at the Site. Consistent with MTCA, the final remedial investigation/feasibility study (RI/FS) work plan for the Site states that during the development of cleanup alternatives, both the current and planned future land use will be considered. Future property assumptions at the time of the work plan are documented in Figure 11 of the October 2014, RI/FS work plan. It is incorrect to say that the interim action is not necessary for Site investigation or cleanup when the future use requires dredging in this area. As you are aware, the sediments within the interim action footprint exceed cleanup levels and must be managed and disposed of as contaminated sediment. The future use dictates the removal of these contaminated sediments regardless of the results of any future surface-weighted average concentration (SWAC) analysis. Leaving these sediments in place would conflict with future land use and navigation needs and would be incompatible with any final cleanup requirements for the Site.

Cleaning up the contaminated sediments in the vicinity of Berth 1 as part of an interim action is necessary based on the Port's current re-development schedule. The South Terminal is currently being upgraded and modernized in part to accommodate heavier load capacity, terminal expansion, and shipments from anticipated large vessels (some over 50 feet) that will carry oversized aerospace parts. The interim action, which partially addresses the cleanup of the Site, will be conducted to be compatible with the final cleanup requirements identified as part of the RI/FS.

Page 2, Paragraph 3: Weyerhaeuser comment. *The Fact Section of the draft AO that was provided to us omits much of the background of the Port's activities since it acquired the Mill A property from Weyerhaeuser over thirty-five years ago, in 1983.*

Ecology Response. The facts provided in the draft Agreed Order (AO) are consistent with the facts developed by Ecology, the Port, and Weyerhaeuser in the prior Agreed Orders. The facts in the draft order establish that the Port is an owner and operator at the Site and that there has been a release or threatened release of a hazardous substance that presents a threat to human health or the environment. The events that you describe in your letter can be fully captured and documented in the RI/FS report.

Page 2, Last Paragraph: Weyerhaeuser comment. *Weyerhaeuser feels strongly that the AO's fact section and scope of work should clarify that the primary driver for this work is the Port's need to accommodate its customers, and that the work is designed to accomplish that purpose.*

Ecology Response: As noted above, the interim action will provide a partial cleanup at the Site. The work proposed in the draft Agreed Order is for an in-water interim action to clean up contaminated sediment from a portion of the Site. The interim action will include the removal of contaminated sediment and/or wood waste located adjacent to the Port's Berth 1 at its South Terminal. The final cleanup remedy for the Site will take into account the prior interim actions and will be developed as part of the final RI/FS and cleanup action plan for the Site.

If you have any questions, please feel free to contact me at (360) 407-7259 or by e-mail at andrew.kallus@ecy.wa.gov.

Sincerely,



Andrew S. Kallus, Site Manager
Headquarters Cleanup Section
Toxics Cleanup Program

cc: Erik Gerking, Port of Everett
Erika Shaffer, Washington State Department of Natural Resources
John Level, Washington State Attorney General's Office
Barry Rogowski, Ecology
Pete Adolphson, Ecology